



Family Rights Group

Helping Families Helping Children

Advice and policy briefing

From Family Rights Group's Advice and Advocacy Service

Quarter 1, 2024-25 – published July 2024

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Data snapshot – April to June 2024

How many people viewed our online resources:



256,470
unique visitors

April to June 2024

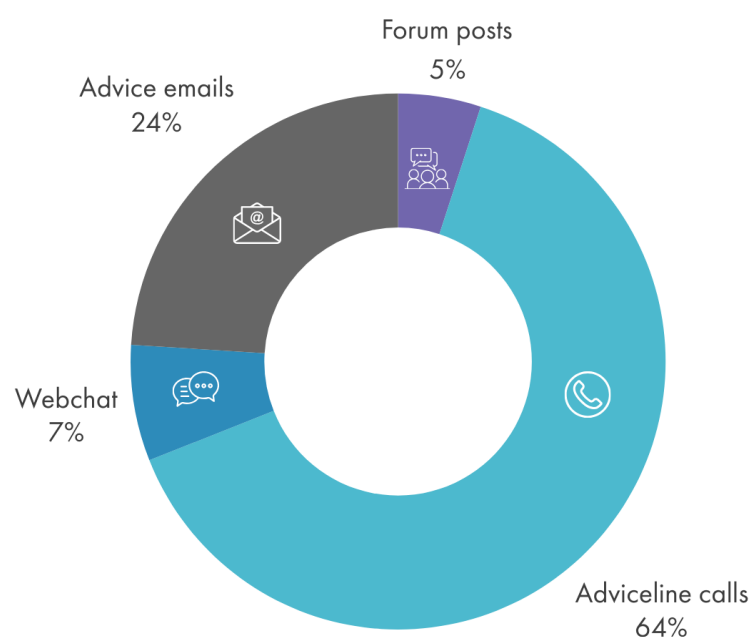
How many advice queries we responded to:



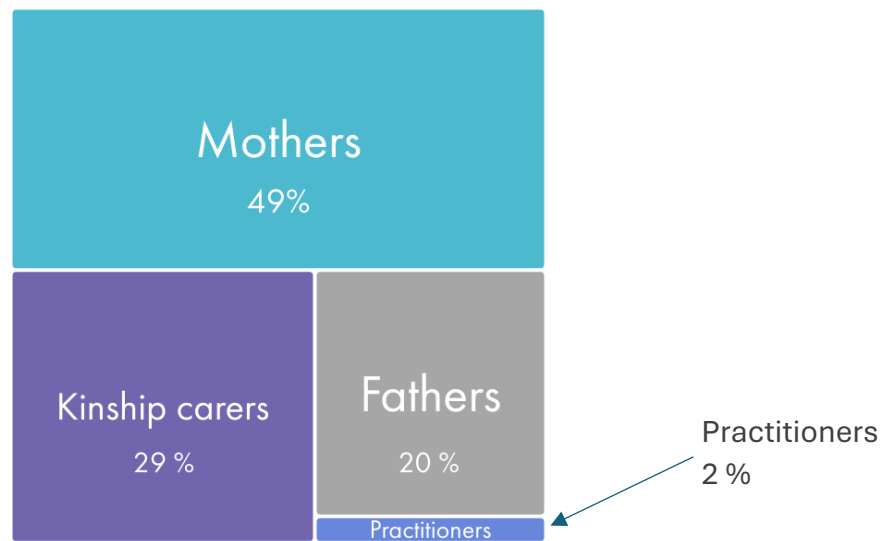
1,981
advice queries

April to June 2024

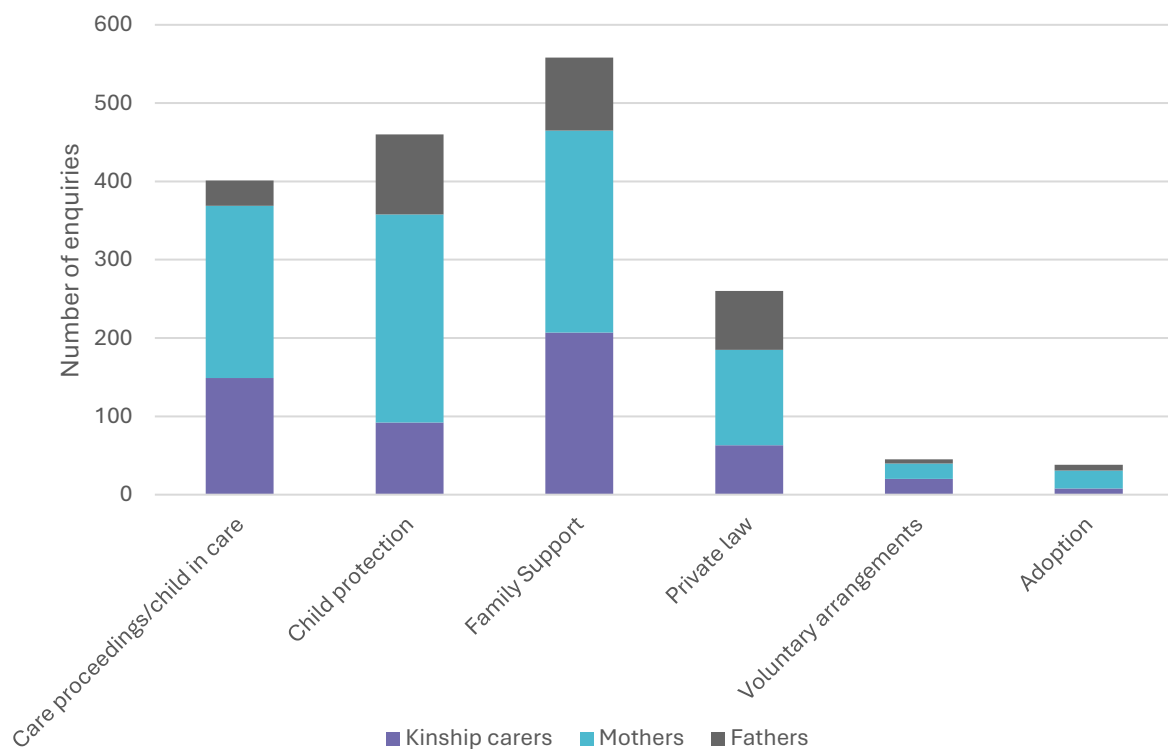
How people contacted us and received advice:



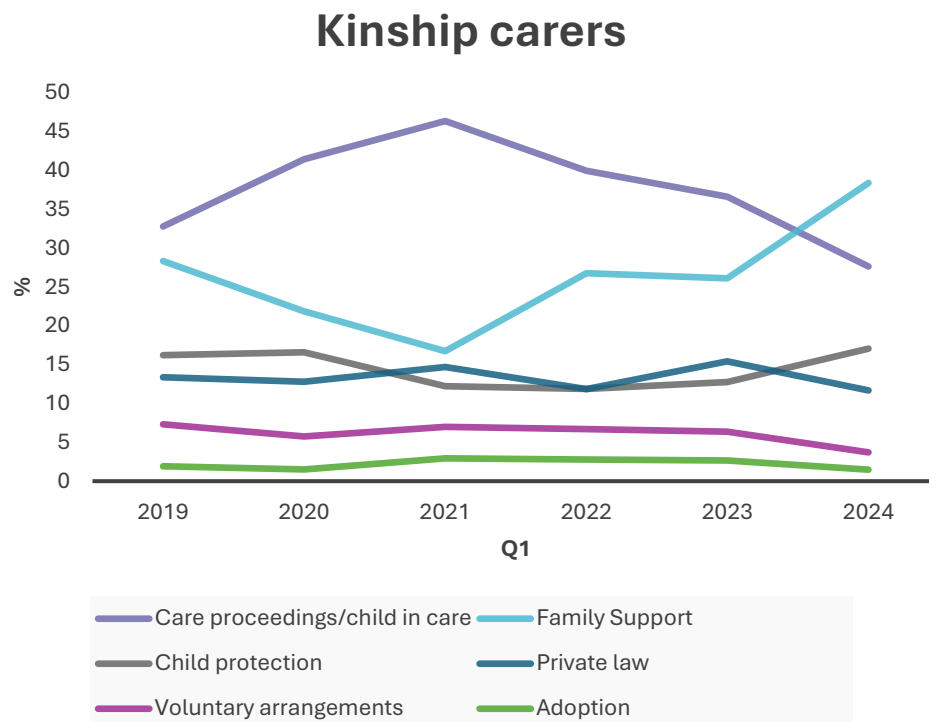
Who we advised – their relationship to the children involved:



The main reason people requested advice this quarter:

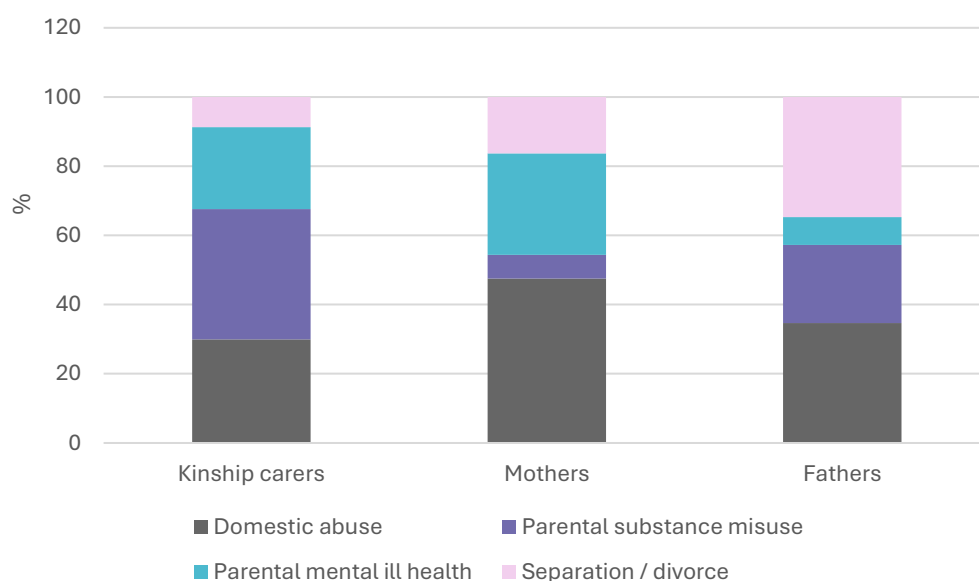


The main reason kinship carers requested advice has changed over time:



The number of family support related enquiries that we advised on dropped dramatically during the pandemic, but is now higher than pre-pandemic levels. This is particularly true for kinship carers who make up a larger proportion of those who enquire about family support. We believe that the post-pandemic rise is due to the cost-of-living crisis and challenges accessing support.

The top four factors which underlie family involvement with children's services, for the different categories of people we advised:



Three quarters of people advised by our Advice and Advocacy Service have a household income of less than the median household disposable income of £32,300:



This data is based on what people told us about their incomes and is only available for six percent of enquiries.

Spotlight themes

Kinship care – challenges accessing support

Many enquiries to our Advice and Advocacy Service centre around the lack of support for kinship families, and the barriers to accessing the little support which is available.

Whether a kinship carer receives financial support is highly variable. There are different rules for different types of kinship arrangements, which are often predicated on processes and statuses, such as a kinship care assessment, or caring for a child who was previously looked-after, meaning that in many cases support is only provided at the discretion of local authorities.

The scope of the Adoption and Special Guardianship Support Fund, also causes difficulties, particularly the fact that it is only available to children who have been previously looked-after.

What kinship carers told us

Three months before contacting Family Rights Group a grandmother was called by a social worker and asked to collect her young grandchildren. A parent had been arrested and there was violence and drugs in the children's home. The grandmother took the children to her home, on the understanding that it would be a short-term arrangement, but was given no information.

The grandmother asked children's services for financial support as she had to take time off work to care for her grandchildren. She underwent some sort of assessment, although she did not know what it was. She was told that the assessment was positive, but that children's services would not consider her as a kinship foster carer.

She now feels she is 'being pushed by children's services' to apply for a special guardianship order (SGO) to care for the children long-term. The grandmother informed children's services that without financial support she cannot continue to care for her grandchildren. She says that children's services acknowledged this and told her to inform them if she intends to return the children to the parents. This is despite the fact that SGO allowance rules are clear that finances should not be the sole reason for a special guardianship arrangement not happening.

The grandmother felt that she was placed in an impossible position, and was very worried about the risk this would place her grandchildren in, if they were returned.

A grandfather, who is a special guardian sent us a copy of a letter he had received from his local authority. He receives special guardianship allowance for a child he cares for under a special guardianship order (SGO). The council told him that they will reduce the level of financial support he receives, as they now believe that they have been paying him too much.

The grandfather wanted to know if the council could do this. He also wanted to highlight the issue in general as it may affect other families.

A grandmother told us that her grandchildren came to live with her and her husband after children's services contacted her to look after them, as their mother was arrested for child neglect. The grandmother is not receiving any financial support for the children.

Initially children's services felt that the children should return to their mother, despite the police advising against it. The grandparents were not happy with this, and say they were advised to make a private law application for a child arrangements order (CAO) to care for the children.

Children's services are now supportive of the CAO application, due to the impact of the mother's alcohol dependency. However, the local authority is treating it as a private arrangement and deny their responsibility to provide them with financial support despite having placed the children with the grandmother.

How this impacts kinship carers who use our Advice and Advocacy Service

The experience of the kinship families we talk to is that there is a lack of information available to them on their rights and options, and that local authorities sometimes wrongly claim, despite placing a child, that it is a private arrangement, and thus claim that financial support is discretionary, as opposed to complying with their duties. This means that in many cases families do not get the financial support they need and would otherwise be entitled to.

The interaction between financial support for kinship carers and Department for Work and Pensions (DWP) benefits is complex, and also causes problems. For example, when some local authorities assess the financial resources and needs of kinship households to determine whether to pay them special guardianship allowance (and at what level), they wrongly treat some disability related benefits as income. This includes disability living allowance (DLA) payable to a child in the household, despite this being a benefit to meet the additional care needs of that disabled child.

We know from advice enquiries that many kinship carers were not aware of or did not understand relevant processes and conditions at the moment of crisis when they stepped in to care for a child who needed them.

Evidence from our Advice and Advocacy Service shows that the current system of financial support for kinship carers:

- lacks transparency and fairness and leads to inconsistencies and injustices in how allowances are paid,
- leads to a lack of support for relatives or friends who put themselves forward as kinship carers, which will impact on the children; and
- puts appalling pressures and strains on kinship care arrangements, risking breakdown of arrangements, worse outcomes for children, and escalating costs for local authorities.

To ensure children and families in kinship care arrangements can access the support they need, Family Rights Group proposes:

- **Strengthening the requirements on local authorities to have a local policy and to introduce a local offer for kinship care.**
Family Rights Group [research](#) has found that over a third do not have a local family and friends care policy – something that statutory guidance requires them to have.
- **Extending the financial allowances pathfinder to more local authorities and widening the criteria so that children who have not previously been looked-after are also eligible.**
The government is piloting a new kinship financial allowance in a small number of local authorities but even there the eligibility criteria is too narrow.
- **Removing the perverse criteria which specifies children must have been previously looked-after to be eligible for the Adoption and Special Guardianship Support Fund.**
Children raised in kinship care have often experienced loss, tragedy or trauma. Many kinship carers struggle to pay for the therapeutic support children need as the criteria are restrictive and the application process can be unclear.

Deprivation of liberty

Every year thousands of children are deprived of their liberty by the Family Court. Some under secure accommodation orders, many others under High Court orders.

Depriving a child of their liberty is a draconian step. It interferes with their human rights, and can often result in children living in settings which do not meet their needs far away from their families and communities.

At Family Rights Group we hear from parents and carers who have no access to information and legal advice in these situations and are left to navigate confusing and distressing proceedings alone.

What an adoptive mother told us

A woman, who worked as a teacher, adopted a three-year-old daughter. The daughter attended a special school and received support via the Adoption and Special Guardianship Support fund. The child, now a teenager, was violent towards her adoptive mother, and went into foster care, and since then has been moved from place to place. The daughter is now in an unregulated placement under an interim care order and more recently a deprivation of liberty order, which was due to be reviewed when the mother contacted us for advice.

The mother told our adviser that her daughter is being physically assaulted and wants to come home. She says that her daughter was 'taught' about drugs and alcohol in some of the places she has lived since leaving home and is now addicted to them.

The mother wants her daughter home, but as a first steps wants a family member to be assessed to care for her, with a view to a supported return home.

The mother is very upset by the whole situation and has had to give up her work as a teacher. She said that she wanted to challenge the deprivation of liberty order, and possibly the interim care order. But it was clear that she knew very little about deprivation of liberty orders, thresholds and processes as well as the duties of children's services or the courts.

How deprivation of liberty impacts children and families

The families of children who have been deprived of their liberty tell us about the huge impact it has on the child and the rest of the family. Being isolated and subject to high levels of supervision and restraint affects children's physical and mental wellbeing. And there are often low levels of scrutiny or accountability in unregulated placements.

Families of children in these situations have limited, or no, access to legal advice and information to help them understand the process or their rights and options.

Family Rights Group's analysis of the legal aid regime around depriving children of their liberty has identified many gaps. Strikingly, parents whose children are the subject of care proceedings have far more access to legal aid than those who are being deprived of their liberty.

To ensure access to justice for families whose children are deprived of their liberty, Family Rights Group urges:

- **Expanded legal aid provision for applications for secure accommodation orders and to deprive children of their liberty.**

Legal aid provision should be in line with the level of legal aid available to parents and children in care proceedings and should mirror recent changes made to legal aid for parents in adoption and placement order proceedings.

Poor engagement with families from early help through to care proceedings

Many of the enquires received by our Advice and Advocacy Service are underpinned by poor engagement and a lack of involvement of families by children's services. This can include a lack of signposting to more information and advice, not sharing support plans or key paperwork, and a failure to offer family group conferences (FGCs).

What families told us

A mother contacted us because she is not being kept updated about her teenage son's wellbeing and progress. Her son is currently being looked-after and is subject to a deprivation of liberty order. The social workers supporting him seem to change frequently without the mother being informed. She told us that she has had no contact or updates from a social worker for the past three months.

The mother did not know about children's services statutory duties and responsibilities to work with her and provide copies of plans, or her right to make a complaint. Nor did she have legal advice.

A mother, who identifies as neurodiverse, got in touch through our web advice enquiry form. She told us that she has been informed by a social worker that following a child protection meeting, her one-year-old baby is now subject to a child protection plan. The mother had not been invited to the child protection meeting, and wanted to know if this was legal.

It seems that children's services may have failed to follow statutory guidance by not inviting the baby's mother to the child protection conference. It is not clear if the mother's neurodiversity had been considered by children's services. However, it was clear that she had not been engaged with in a way which allowed her to understand the process in order to have a say in decisions about her baby.

How lack of engagement impacts children and families

Our Advice and Advocacy Service hears many examples of heart-breaking and unfair practices. A lack of involvement of families in the child protection process can result in:

- Injustice - families not understanding processes and procedures, in turn resulting in a lack of transparency and accountability of children's services.
- Poorer outcomes for children and higher costs for local authorities - missed opportunities to build on families' strengths at an earlier stage.

To ensure families are involved and supported to make a plan to safely raise their children, Family Rights Group proposes:

- **A legal right to a family group conference when there are concerns about the care or protection of a child.**

It is clear from many enquiries to our Advice and Advocacy Service that many families could benefit from a [family group conference](#) (FGC). [Recent research](#) into FGCs at pre-proceedings stage in England found that children who were referred for an FGC were less likely to go to court, less likely to go into care, and spent less time in care when they became looked after, compared to those who were not, a year later.

- **A right to independent legal advice and advocacy.**

Early information and specialist advice, from both legal aid providers and the voluntary advice sector, helps prevent difficulties from escalating and can avert court proceedings. This is particularly important at a time when court backlogs continue to grow, and care proceedings are taking on average 47 weeks to conclude. Independent specialist advice allows families to understand their rights and options and to work in partnership with professionals. Family Rights Group is concerned about the ability of families to access our Advice and Advocacy Service when we can only answer 4 in 10 calls.

- **Family involvement in service design and policy development.**

Professors Morris and Featherstone's 2018 '[Stepping Up, Stepping Down](#)' report concluded that families had a significant – untapped – knowledge about policy and practice that had the potential to beneficially reform services from the 'bottom up'.

Emerging theme:

Temporary and insecure accommodation

Temporary housing, homelessness and inadequate housing (including lack of repairs, damp and overcrowding) are an increasingly common issue faced by families who contact us for advice.



2023-24

150 calls

With housing as an
underlying issue

Advisers highlight a link between [contextual safeguarding](#) and the risk of families losing secure tenancies and ending up in [temporary accommodation](#). For example, a mother and children being moved to temporary accommodation due to domestic abuse at home.

Children's services can expect families at risk in a certain area to move to a different area to protect their child and themselves, without considering the negative consequences.

Families can be reluctant to move because of fears of being unable to secure a permanent tenancy, and the negative impact on other children in the family such as having to change school. Families are blamed for not prioritising safeguarding needs, despite a lack of joined up working between children's services and housing departments.

What families told us

A caller to our advice line said she had waited five years for permanent housing and did not want to go through that process again.

One family reported having five social workers in one year. Children's services supported the family with a move but did not recognise the wider impact on the whole family of living in insecure temporary accommodation.

A mother, who got in touch through our web chat service, said that a social worker forced her to sign a Section 20 Voluntary Care Arrangement, because she is being evicted due to rent arrears.

How temporary and insecure accommodation impacts children and families

Insecure housing is [related to poverty](#) and can have a direct impact on children's health and life chances. It affects access to employment, education and services. There is limited research but [studies](#) have found correlations between families involvement with children's services and housing overcrowding, housing tenure and affordability.

Family Rights Group's vision is a society in which children live safely and thrive within their family and community.

It is clear from enquiries to our Advice and Advocacy Service that better joined up working between housing departments and children's services departments to address safeguarding and housing needs, is desperately needed.

Family Rights Group also echoes calls from [Trust for London](#), [Groundswell](#) and [Shelter](#) for government to move towards ending the use of temporary accommodation.

What people said about how our Advice and Advocacy Service helped them

“Empowered me to complain to Social Services about the advice they’d given me when I became the Special Guardian to my step grandchild.”

- Special Guardian

“I reached out for advice after an investigation into the care of my children due to the behaviour of their other parent. The lady I spoke with was amazing at explaining why the social services had put these things in place, giving me advice on my next steps and actually being the first person that I felt listened to me throughout the whole ordeal. The information she gave me was crucial, to helping me process what had happened and how to make things better.”

- Mother

“The lady I spoke to was so knowledgeable in what she was telling me. The service is a god send as what she informed me a solicitor wanted £150 to tell me the same. The service is great and I will call again if I need help. I would advise anyone to use it...”

- Father

“Excellent all-round advice with lots of things to consider. Have used information to challenge housing who decided Looked After Child not part of the kinship carer’s family for purposes of housing.”

- Professional who used the live webchat service

Demand for our Advice and Advocacy Service

Currently we are unable to meet the demand for our service, and yet demand is growing:

- The numbers of people visiting our online information and resources is rising, with an increase of 90,000 visitors this year.
- We are only able to answer the calls from 4 in 10 callers to our advice line.
- We have expanded our digital offer and demand for digital advice has grown. This year, 2023-24, we responded to 1,500 digital enquiries more than last year.

Our latest evaluation demonstrates that between April 2022 and March 2024, £23 was saved in public spending for every £1 invested in our advice line. This equates to over £24.5 million over the last two years.

Get help and advice from our Advice and Advocacy Service

Family Rights Group's [Advice and Advocacy Service](#) is for parents, kinship carers, relatives and friends of children who are involved with children's services in England or need their help. We support families to understand the law and child welfare processes when social workers or courts are making decisions about their children. Our aim is to help families to achieve the best outcomes for their children.

Our service includes:

- Online advice – start with our [Who?](#), [What?](#), [Why?](#) advice pages. Or see our [A-Z, advice sheets, top tips and template letters](#).
- [Online forums](#) where families can receive advice, discuss issues and find support from others.
- A free telephone advice line open Monday to Friday between 9.30am and 3pm (excluding Bank Holidays) on **0808 801 0366**. We offer a language line facility if you need an interpreter.
- A live [webchat](#) service where families can chat online to an adviser and get information and advice.
- An [online advice enquiry form](#) where families can us a question which we will respond to by email within 5 working days.

For further information please visit: www.frg.org.uk/get-help-and-advice

Family Rights Group, 101 Pentonville Road, London N1 9LG.

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